

[§ 2198. Repealed. Pub. L. 101-647, title XII, § 1207(b), Nov. 29, 1990, 104 Stat. 4832]

Section, act June 25, 1948, ch. 645, 62 Stat. 802, related to penalties for seducing a female passenger on an American vessel by employees of the vessel.

CHAPTER 109A—SEXUAL ABUSE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 113, 1153, 3185 of this title; title 46 section 10104; title 49 App. section 1472.

§ 2243. Sexual abuse of a minor or ward

(a) OF A MINOR.—Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who—

[See main edition for text of (1) and (2)]

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 101-647, title III, § 322, Nov. 29, 1990, 104 Stat. 4818.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647 substituted “15 years” for “five years” in concluding provisions.

§ 2245. Definitions for chapter

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 3756.

CHAPTER 110—SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN

Sec.

2258. Failure to report child abuse.

AMENDMENTS

1990—Pub. L. 101-647, title II, § 226(g)(2), Nov. 29, 1990, 104 Stat. 4808, inserted “AND OTHER ABUSE” after “EXPLOITATION” in chapter heading and added item 2258.

§ 2251. Sexual exploitation of children

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (d), if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 101-647, title XXXV, § 3563, Nov. 29, 1990, 104 Stat. 4928.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647 substituted “person to engage in,” for “person to engage in.”

SHORT TITLE OF 1990 AMENDMENT

Section 301(a) of title III of Pub. L. 101-647 provided that: “This title [amending sections 1460, 2243, 2252, and 2257 of this title and enacting provisions set out as notes under section 2257 of this title and section 994 of Title 28, Judiciary and Judicial Procedure] may be cited as the ‘Child Protection Restoration and Penalties Enhancement Act of 1990.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2253, 2254, 2255, 2516 of this title.

§ 2252. Certain activities relating to material involving the sexual exploitation of minors

(a) Any person who—

(1) knowingly transports or ships in interstate or foreign commerce by any means including by computer or mails, any visual depiction, if—

[See main edition for text of (A)]

(B) such visual depiction is of such conduct;

(2) knowingly receives, or distributes, any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution in interstate or foreign commerce or through the mails, if—

[See main edition for text of (A) and (B)]

(3) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country as defined in section 1151 of this title, knowingly sells or possesses with intent to sell any visual depiction; or

(B) knowingly sells or possesses with intent to sell any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials¹ which have been mailed or so shipped or transported, by any means, including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct; or

(4) either—

(A) in the special maritime and territorial jurisdiction of the United States, or on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in

¹ So in original. Probably should be “materials”.

the Indian country as defined in section 1151 of this title, knowingly possesses 3 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction; or

(B) knowingly possesses 3 or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which was produced using materials which have been mailed or so shipped or transported, by any means including by computer, if—

(i) the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct; and

(ii) such visual depiction is of such conduct;

shall be punished as provided in subsection (b) of this section.

(b)(1) Whoever violates paragraph (1), (2), or (3) of subsection (a) shall be fined under this title or imprisoned not more than ten years, or both, but, if such person has a prior conviction under this section, such person shall be fined under this title and imprisoned for not less than five years nor more than fifteen years.

(2) Whoever violates paragraph (4) of subsection (a) shall be fined under this title or imprisoned for not more than five years, or both.

(As amended Pub. L. 101-647, title III, § 323(a), (b), Nov. 29, 1990, 104 Stat. 4818, 4819.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647, § 323(a), (b), struck out “or” at end of par. (1), substituted “that has been mailed, or has been shipped or transported in interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer,” for “that has been transported or shipped in interstate or foreign commerce by any means including by computer or mailed” in par. (2), struck out at end “shall be punished as provided in subsection (b) of this section.”, and added pars. (3) and (4) and concluding provisions.

Subsec. (b). Pub. L. 101-647, § 323(a)(2), added subsec. (b) and struck out former subsec. (b) which read as follows: “Any individual who violates this section shall be fined not more than \$100,000, or imprisoned not more than 10 years, or both, but, if such individual has a prior conviction under this section, such individual shall be fined not more than \$200,000, or imprisoned not less than five years nor more than 15 years, or both. Any organization which violates this section shall be fined not more than \$250,000.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2253, 2254, 2255, 2516 of this title.

§ 2253. Criminal forfeiture

(a) **PROPERTY SUBJECT TO CRIMINAL FORFEITURE.**—A person who is convicted of an offense under this chapter involving a visual depiction described in section 2251, 2251A, or 2252 of this chapter shall forfeit to the United States such person's interest in—

(1) any visual depiction described in section 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape, or

other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

[See main edition for text of (2) and (3); (b) to (g)]

(h) **AUTHORITY OF ATTORNEY GENERAL.**—With respect to property ordered forfeited under this section, the Attorney General is authorized to—

[See main edition for text of (1) to (3)]

(4) direct the disposition by the United States, under section 616 of the Tariff Act of 1930, of all property ordered forfeited under this section by public sale or any other commercially feasible means, making due provision for the rights of innocent persons; and

[See main edition for text of (5); (i) to (o)]

(As amended Pub. L. 101-647, title XXXV, § 3564, Nov. 29, 1990, 104 Stat. 4928.)

REFERENCES IN TEXT

Section 616 of the Tariff Act of 1930, referred to in subsec. (h)(4), is classified to section 1616a of Title 19, Customs Duties.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-647, § 3564(1), substituted “section 2251” for “sections 2251” in introductory provisions and in par. (1).

Subsec. (h)(4). Pub. L. 101-647, § 3564(2), substituted “under section 616 of the Tariff Act of 1930” for “in accordance with the provisions of section 1616, title 19, United States Code”.

§ 2254. Civil forfeiture

(a) **PROPERTY SUBJECT TO CIVIL FORFEITURE.**—The following property shall be subject to forfeiture by the United States:

(1) Any visual depiction described in section 2251, 2251A, or 2252 of this chapter, or any book, magazine, periodical, film, videotape or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of this chapter.

(2) Any property, real or personal, used or intended to be used to commit or to promote the commission of an offense under this chapter involving a visual depiction described in section 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

(3) Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of this chapter involving a visual depiction described in section 2251, 2251A, or 2252 of this chapter, except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

[See main edition for text of (b) to (d)]

(e) **INAPPLICABILITY OF CERTAIN SECTIONS.**—Sections 1606, 1613, 1614, 1617, and 1618 of title 19, United States Code, shall not apply with respect to any visual depiction or any matter containing a visual depiction subject to forfeiture under subsection (a)(1) of this section.

(f) **DISPOSITION OF FORFEITED PROPERTY.**—Whenever property is forfeited under this section the Attorney General shall destroy or retain for official use any property described in paragraph (1) of subsection (a) and, with respect to property described in paragraph (2) or (3) of subsection (a), may—

(1) retain the property for official use or transfer the custody or ownership of any forfeited property to a Federal, State, or local agency under section 616 of the Tariff Act of 1930;

(2) sell, by public sale or any other commercially feasible means, any forfeited property which is not required to be destroyed by law and which is not harmful to the public; or

[See main edition for text of (3)]

The Attorney General, Secretary of the Treasury, or the United States Postal Service shall ensure the equitable transfer pursuant to paragraph (1) of any forfeited property to the appropriate State or local law enforcement agency so as to reflect generally the contribution of any such agency participating directly in any of the acts which led to the seizure or forfeiture of such property. A decision by an official or agency pursuant to paragraph (1) shall not be subject to judicial review. With respect to a forfeiture conducted by the Attorney General, the Attorney General shall forward to the Treasurer of the United States for deposit in accordance with section 524(c) of title 28 the proceeds from any sale under paragraph (2) and any moneys forfeited under this section. With respect to a forfeiture conducted by the Postal Service, the proceeds from any sale under paragraph (2) and any moneys forfeited under this section shall be deposited in the Postal Service Fund as required by section 2003(b)(7) of title 39.

[See main edition for text of (g) to (i)]

(As amended Pub. L. 101-647, title XX, § 2003, title XXXV, § 3565, Nov. 29, 1990, 104 Stat. 4855, 4928.)

REFERENCES IN TEXT

Section 616 of the Tariff Act of 1930, referred to in subsec. (f)(1), is classified to section 1616a of Title 19, Customs Duties.

AMENDMENTS

1990—Subsec. (a)(1) to (3), Pub. L. 101-647, § 3565(1), substituted “section 2251” for “sections 2251”.

Subsec. (e), Pub. L. 101-647, § 3565(2), inserted heading.

Subsec. (f), Pub. L. 101-647, § 3565(3)(A), substituted “section” for “subchapter” after “forfeited under this” in two places in concluding provisions.

Subsec. (f)(1), Pub. L. 101-647, § 3565(3)(B), substituted “under section 616 of the Tariff Act of 1930” for “pursuant to section 1616 of title 19”.

Subsec. (f)(2), Pub. L. 101-647, § 2003, inserted “, by public sale or any other commercially feasible means,” after “sell”.

§ 2257. Record keeping requirements

(a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which—

(1) contains one or more visual depictions made after November 1, 1990 of actual sexually explicit conduct; and

[See main edition for text of (2)]

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

[See main edition for text of (b) and (c)]

(d)(1) No information or evidence obtained from records required to be created or maintained by this section shall, except as provided in this section, directly or indirectly, be used as evidence against any person with respect to any violation of law.

(2) Paragraph (1) of this subsection shall not preclude the use of such information or evidence in a prosecution or other action for a violation of this section or for a violation of any applicable provision of law with respect to the furnishing of false information.

(e)(1) Any person to whom subsection (a) applies shall cause to be affixed to every copy of any matter described in paragraph (1) of subsection (a) of this section, in such manner and in such form as the Attorney General shall by regulations prescribe, a statement describing where the records required by this section with respect to all performers depicted in that copy of the matter may be located.

(2) If the person to whom subsection (a) of this section applies is an organization the statement required by this subsection shall include the name, title, and business address of the individual employed by such organization responsible for maintaining the records required by this section.

(f) ¹ It shall be unlawful—

(1) for any person to whom subsection (a) applies to fail to create or maintain the records as required by subsections (a) and (c) or by any regulation promulgated under this section;

(2) for any person to whom subsection (a) applies knowingly to make any false entry in or knowingly to fail to make an appropriate entry in, any record required by subsection (b) of this section or any regulation promulgated under this section;

(3) for any person to whom subsection (a) applies knowingly to fail to comply with the provisions of subsection (e) or any regulation promulgated pursuant to that subsection; and

(4) for any person knowingly to sell or otherwise transfer, or offer for sale or transfer, any book, magazine, periodical, film, video, or other matter, produce in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce or which is intended for shipment in interstate or foreign commerce, which—

¹ Another subsec. (f) is set out below.

(A) contains one or more visual depictions made after the effective date of this subsection of actual sexually explicit conduct; and
(B) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

which does not have affixed thereto, in a manner prescribed as set forth in subsection (e)(1), a statement describing where the records required by this section may be located, but such person shall have no duty to determine the accuracy of the contents of the statement or the records required to be kept.

(g)² The Attorney General shall issue appropriate regulations to carry out this section.

(h)³ As used in this section—

(1) the term “actual sexually explicit conduct” means actual but not simulated conduct as defined in subparagraphs (A) through (D) of paragraph (2) of section 2256 of this title;

(2) “identification document” has the meaning given that term in section 1028(d) of this title;

(3) the term “produces” means to produce, manufacture, or publish any book, magazine, periodical, film, video tape or other similar matter and includes the duplication, reproduction, or reissuing of any such matter, but does not include mere distribution or any other activity which does not involve hiring, contracting for managing, or otherwise arranging for the participation of the performers depicted; and

(4) the term “performer” includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, actual sexually explicit conduct.

(i) Whoever violates this section shall be imprisoned for not more than 2 years, and fined in accordance with the provisions of this title, or both. Whoever violates this section after having been convicted of a violation punishable under this section shall be imprisoned for any period of years not more than 5 years but not less than 2 years, and fined in accordance with the provisions of this title, or both.

(f)⁴ The Attorney General shall issue appropriate regulations to carry out this section.

(g)⁵ As used in this section—

(1) the term “actual sexually explicit conduct” means actual but not simulated conduct as defined in subparagraphs (A) through (E) of paragraph (2) of section 2256 of this title;

(2) “identification document” has the meaning given that term in subsection 1028(d) of this title;

(3) the term “produces” means to produce, manufacture, or publish and includes the duplication, reproduction, or reissuing of any material; and

(4) the term “performer” includes any person portrayed in a visual depiction engaging in, or assisting another person to engage in, actual sexually explicit conduct.

(As amended Pub. L. 101-647, title III, §§ 301(b), 311, Nov. 29, 1990, 104 Stat. 4816.)

REFERENCES IN TEXT

For effective date of this subsection, referred to in subsec. (f)(4)(A), see section 312 of Pub. L. 101-647, set out as an Effective Date of 1990 Amendment note below.

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101-647, § 301(b), substituted “November 1, 1990” for “February 6, 1978”.

Subsec. (d). Pub. L. 101-647, § 311, substituted pars. (1) and (2) for former pars. (1) and (2) which were substantially the same and struck out par. (3) which read as follows: “In a prosecution of any person to whom subsection (a) applies for an offense in violation of subsection 2251(a) of this title which has as an element the production of a visual depiction of a minor engaging in or assisting another person to engage in sexually explicit conduct and in which that element is sought to be established by showing that a performer within the meaning of this section is a minor—

“(A) proof that the person failed to comply with the provisions of subsection (a) or (b) of this section concerning the creation and maintenance of records, or a regulation issued pursuant thereto, shall raise a rebuttable presumption that such performer was a minor; and

“(B) proof that the person failed to comply with the provisions of subsection (e) of this section concerning the statement required by that subsection shall raise the rebuttable presumption that every performer in the matter was a minor.”

Subsec. (e). Pub. L. 101-647, § 311, substituted pars. (1) and (2) for former pars. (1) and (2) which were substantially the same and struck out par. (3) which read as follows: “In any prosecution of a person for an offense in violation of section 2252 of this title which has as an element the transporting, mailing, or distribution of a visual depiction involving the use of a minor engaging in sexually explicit conduct, and in which that element is sought to be established by a showing that a performer within the meaning of this section is a minor, proof that the matter in which the visual depiction is contained did not contain the statement required by this section shall raise a rebuttable presumption that such performer was a minor.”

Subsec. (f). Pub. L. 101-647, § 311, added subsec. (f) relating to unlawful acts and omissions.

Subsec. (g). Pub. L. 101-647, § 311, added subsec. (g) relating to issuance of regulations.

Subsecs. (h), (i). Pub. L. 101-647, § 311, added subsecs. (h) and (i).

EFFECTIVE DATE OF 1990 AMENDMENT

Section 312 of title III of Pub. L. 101-647 provided that: “Subsections (d), (f), (g), (h), and (i) of section 2257 of title 18, United States Code, as added by this title shall take effect 90 days after the date of the enactment of this Act [Nov. 29, 1990] except—

“(1) the Attorney General shall prepare the initial set of regulations required or authorized by subsections (d), (f), (g), (h), and (i) of section 2257 within 60 days of the date of the enactment of this Act; and

“(2) subsection (e) of section 2257 and of any regulation issued pursuant thereto shall take effect 90 days after the date of the enactment of this Act.”

§ 2258. Failure to report child abuse

A person who, while engaged in a professional capacity or activity described in subsection (b)

² Another subsec. (g) is set out below and similar provisions are contained in subsec. (f) set out below.

³ Similar provisions are contained in subsec. (g) set out below.

⁴ Another subsec. (f) is set out above and similar provisions are contained in subsec. (g) set out above.

⁵ Another subsec. (g) is set out above and similar provisions are contained in subsec. (h) set out above.

of section 226 of the Victims of Child Abuse Act of 1990 on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, as defined in subsection (c) of that section, and fails to make a timely report as required by subsection (a) of that section, shall be guilty of a Class B misdemeanor.

(Added Pub. L. 101-647, title II, § 226(g)(1), Nov. 29, 1990, 104 Stat. 4808.)

REFERENCES IN TEXT

Section 226 of the Victims of Child Abuse Act of 1990, referred to in text, is classified to section 13031 of Title 42, The Public Health and Welfare.

CHAPTER 111—SHIPPING

Sec.
2271. Conspiracy to destroy vessels.

AMENDMENTS

1990—Pub. L. 101-647, title XXXV, § 3566, Nov. 29, 1990, 104 Stat. 4928, substituted "vessels" for "vessel" in item 2271.

CHAPTER 113—STOLEN PROPERTY

Sec.
2322. Chop shops.

AMENDMENTS

1992—Pub. L. 102-519, title I, § 105(b), Oct. 25, 1992, 106 Stat. 3386, added item 2322.

§ 2312. Transportation of stolen vehicles

Whoever transports in interstate or foreign commerce a motor vehicle or aircraft, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.

(As amended Oct. 25, 1992, Pub. L. 102-519, title I, § 103, 106 Stat. 3385.)

AMENDMENTS

1992—Pub. L. 102-519 substituted "fined under this title or imprisoned not more than 10 years" for "fined not more than \$5,000 or imprisoned not more than five years".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982, 1961, 2516 of this title.

§ 2313. Sale or receipt of stolen vehicles

(a) Whoever receives, possesses, conceals, stores, barters, sells, or disposes of any motor vehicle or aircraft, which has crossed a State or United States boundary after being stolen, knowing the same to have been stolen, shall be fined under this title or imprisoned not more than 10 years, or both.

(b) For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(As amended Nov. 29, 1990, Pub. L. 101-647, title XII, § 1205(l), 104 Stat. 4831; Oct. 25, 1992, Pub. L. 102-519, title I, § 103, 106 Stat. 3385.)

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-519 substituted "fined under this title or imprisoned not more than 10 years" for "fined not more than \$5,000 or imprisoned not more than five years".

1990—Pub. L. 101-647 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 981, 982, 1961, 2516 of this title.

§ 2314. Transportation of stolen goods, securities, moneys, fraudulent State tax stamps, or articles used in counterfeiting

[See main edition for text of first par.]

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises; transports or causes to be transported, or induces any person or persons to travel in, or to be transported in interstate or foreign commerce in the execution or concealment of a scheme or artifice to defraud that person or those persons of money or property having a value of \$5,000 or more; or

[See main edition for text of third to last pars.]

(As amended Nov. 29, 1990, Pub. L. 101-647, title XII, § 1208, 104 Stat. 4832.)

AMENDMENTS

1990—Pub. L. 101-647 inserted "or foreign" after "interstate" in second par.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1961, 2516 of this title; title 7 section 12a.

§ 2315. Sale or receipt of stolen goods, securities, moneys, or fraudulent State tax stamps

[See main edition for text of first to fifth pars.]

For purposes of this section, the term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(As amended Nov. 29, 1990, Pub. L. 101-647, title XII, § 1205(m), 104 Stat. 4831.)

AMENDMENTS

1990—Pub. L. 101-647 inserted par. at end defining "State".

§ 2318. Trafficking in counterfeit labels for phonorecords and copies of motion pictures or other audiovisual works

[See main edition for text]

(As amended Pub. L. 101-647, title XXXV, § 3567, Nov. 29, 1990, 104 Stat. 4928.)

AMENDMENTS

1990—Pub. L. 101-647 struck out comma after "phonorecords" in section catchline.

§ 2319. Criminal infringement of a copyright

[See main edition for text of (a)]